

by blockading terrorist-controlled Gaza. I believe that this blockade is a necessary measure to stop the shipment of weapons and prevent the loss of innocent lives in the region. After careful examination of the facts, I am confident Israel's right to defend herself will be sustained in the eyes of the international community.

Israel plays an intricate role in United States foreign policy and provides the United States with a staunch ally in the region. As the only free market economy and viable democracy in the Middle East, it is essential that Israel and the United States continue this mutually beneficial partnership. We should continue to support this valuable ally in their fight against terrorism and extremism.

I encourage the international community to recognize this basic right of Israel and encourage my colleagues to join me in making clear that the United States cares deeply about our friend and ally and we will not allow their right to their own defense compromised because of the actions of Hamas extremists who seek to do them harm.

#### BALANCING PUBLIC AND PRIVATE REMEDIES IN ENHANCED CARTEL PROSECUTION

**HON. JOHN CONYERS, JR.**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. CONYERS. Madam Speaker, just before Congress left for the Memorial Day recess, we passed and sent to the President H.R. 5330, the Antitrust Criminal Penalty Enhancement and Reform Act of 2004 Extension Act, and the President has just signed it into law. As Chairman of the House Judiciary Committee, and sponsor of this legislation, I would like to emphasize a few points about its importance.

The antitrust laws have been described as the Magna Carta of free enterprise. They are a safeguard that protects the vitality of the free market by preventing its becoming concentrated in too few hands. Just as importantly, they protect consumers from unscrupulous businesses that would conspire among themselves or illegally leverage market power to charge artificially high prices and deny meaningful choice.

The worst kinds of antitrust offenses, conspiracies by competitors to organize into cartels to cheat the marketplace of fair competition, are rightly condemned and subject to high criminal fines and prison sentences.

Treble damages in private rights of action are also an essential element of vigorous antitrust enforcement. They not only compensate consumers for harm they suffer from illegal anticompetitive activity, they also create a powerful incentive for other market participants to refrain from engaging in anticompetitive activity in the future.

The Department of Justice Antitrust Division's corporate leniency program has worked well in exposing illegal price-fixing cartels and bringing them to justice. Starting in 1993, the corporate leniency program created incentives for participants in illegal price-fixing cartels—provided that they weren't the ringleader—to come forward and expose the cartel, in exchange for amnesty from criminal prosecution.

Although the program was achieving success, the Antitrust Division recognized that the treble damages, as well as the joint and several liability overall, to which amnesty applicants would be exposed in related private actions was limiting the effectiveness of the program. The party that was coming forward to expose the cartel could potentially even be left paying damages for the entire cartel.

The Antitrust Criminal Penalty Enhancement and Reform Act was passed in 2004 to address these concerns, by limiting the civil liability of amnesty applicants to their share of the legal responsibility, while leaving the other cartel participants subject to joint and several liability. In this way, Congress sought to balance the need for strong incentives to uncover harmful, sometimes multi-billion-dollar price-fixing cartels, without lessening the total amount of damages that would be available to the victims in private civil actions.

By some measures, the 2004 changes have been effective. Since those changes were made, the Antitrust Division has prosecuted some of the biggest cartels ever detected, collecting more than \$5 billion in criminal fines.

However, concerns have arisen that some cartel members who have taken advantage of the leniency program may be abusing the civil liability relief by failing to cooperate fully and in a timely manner with the cartel's victims in their civil actions. In reauthorizing the Act for another 10 years, we are making some clarifying amendments to ensure that the benefits to the Department of Justice's criminal cartel enforcement program do not come at the expense of the victims.

One of the amendments revises the timely cooperation requirement. In the original Act, Section 213(c) signaled the importance of timely cooperation with civil claimants, but specifically required it only in a very narrow set of prosecutions. This legislation revises section 213(c) to make it clear that this timely cooperation requirement applies in all cases where amnesty is being sought under the leniency program.

The legislation also creates a new Section 213(d) that clarifies the necessary balance between public and private pursuit of price-fixing cartels. The Department of Justice will frequently ask the court to stay related civil claims in order to build its criminal case against the rest of the cartel. These stays can sometimes last a year, or even longer. As the Act makes clear, the judicious granting of these stays is, and remains, fully in keeping with the purposes of the Act. We have added a new section 213(d) to clarify that the obligation for timely cooperation with civil claimants does not take effect until after the stay is lifted, but that, once it is lifted, then the amnesty applicant must cooperate in a prompt and timely fashion.

Section 213(d) does not include a reference to the 213(b)(3) requirement to make available witnesses for deposition or testimony, in recognition of the fact that, even after the stay is lifted generally, there may be remaining sensitivities that, for a time, may make it problematic for certain witnesses to provide interviews, depositions, or trial testimony in connection with the private litigation without disrupting or harming the ongoing criminal investigation. The omission of this reference from section 213(d) is not intended to discount the importance of cooperation with civil claimants in this regard; rather, it reflects that these aspects of

cooperation with civil claimants may be more disruptive to the ongoing criminal investigation. Subject to the additional temporary delays that the Antitrust Division may request on a case-by-case basis, the timely cooperation requirement also applies to witness availability. We expect that the Antitrust Division and the courts will be appropriately sensitive to the needs and rights of private claimants in this regard as well.

We are also commissioning a study by the Government Accountability Office to consider other possible ways to improve the efficacy of the Act, including, but not limited to, adding qui tam and whistleblower protection provisions.

We believe these improvements further promote vigorous antitrust enforcement for the protection of American consumers and free-market competition.

#### CONGRATULATING THE LADY SEA WARRIORS OF HAWAII PACIFIC UNIVERSITY ON WINNING THE NCAA DIVISION II SOFTBALL WORLD SERIES

**HON. MAZIE K. HIRONO**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Ms. HIRONO. Madam Speaker, I rise today to congratulate the Lady Sea Warriors of Hawaii Pacific University for winning their first NCAA Division II Softball World Series title. On May 31, 2010, the Lady Sea Warriors scored four runs in the fifth inning and held off Valdosta State to win the title game by a score of 4-3.

I take great pride in extending my congratulations to players Chante Tesoro, Kozy Toriano, Erin Fujita, Melissa Awa, Malia Killam, Chelsea Luckey, Ashley Valine, Ciera Senas, Breanne Patton, Pomaikai Kalakau, Casey Sugihara, Maile Kim, Ashley Fernandez, Nicole Morrow, Sherise Musquiz, Laine Shikuma, Celina Garcés, and Caira Pires, many of whom hail from Hawaii's second congressional district. The hard work, perseverance, and outstanding performance of these young women led to a 50-8 season, the most successful season in their program's history.

I would like to extend special congratulations to Ms. Musquiz, who pitched every inning of the NCAA Division II tournament and amassed a 4-0 record, earning her Most Outstanding Player honors.

I would also like to commend head coach Bryan Nakasone and assistant coaches Howard Okita, Roger Javillo, Jon Correles, and Richard Nomura for their superb leadership throughout the Lady Sea Warriors' historic season.

This has been a great year for Hawaii softball, and the Lady Sea Warriors' victory on a national stage has generated much pride back home. I congratulate the Lady Sea Warriors on their outstanding season and wish the program continued success.

A BILL TO AMEND TITLE 38, U.S.C., TO PROVIDE FOR CERTAIN REQUIREMENTS RELATING TO THE IMMUNIZATION OF VETERANS, AND FOR OTHER PURPOSES

### HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. STEARNS. Madam Speaker, today, I am introducing the "Access to Appropriate Immunizations for Veterans Act of 2010" which I believe would help advance the goal we all share of promoting lifelong health for the men and women who fought for our freedom.

While the Department of Veterans Affairs, VA, health care system is doing an admirable job of caring for those who bore the burden of combat, continual reform is needed to ensure the care veterans receive represents the most up-to-date practices and procedures.

According to statistics from the Centers for Disease Control, CDC, each year approximately 70,000 adult Americans die from vaccine-preventable diseases. Influenza alone is responsible for over one million ambulatory care visits, 200,000 hospitalizations and 30,000 deaths.

Many of our veterans who are in the "high-risk" category of contracting vaccine-preventable diseases—including those with HIV, Hepatitis C, and substance use disorder—are enrolled in the VA health care system and could particularly benefit from receiving vaccinations.

Commendably, the VA has protocols in place that recommend vaccines as protection against deadly viruses. However, VA only has established performance measures for two vaccines making it unclear if protocols are being routinely enforced for all CDC recommended vaccines.

The tremendous value performance measures have regarding the increased utilization and effectiveness of vaccination distribution is evidenced by VA's own application of performance measures for the influenza and pneumococcal vaccinations. When these performance measures were initially applied, VA saw vaccination rates rise respectively from 27 percent and 26 percent to 77 percent and 80 percent. It also resulted in a 50 percent decline in pneumonia hospitalization rates.

The legislation I am introducing today would expand VA performance measures to cover all vaccinations recommended by the VA and CDC and ensure that veterans receive appropriate immunizations at the time suggested by the CDC. It would also require VA to report to Congress on their progress in supporting vaccinations in the veteran population.

Madam Speaker, I urge my colleagues to join with me in cosponsoring the Access to Appropriate Immunizations for Veterans Act of 2010. This legislation would ensure that our veterans are receiving timely and suitable access to vaccines and prevent those under the care of the VA from being unnecessarily exposed to vaccine preventable diseases.

NORTH DAVIDSON WINS SOFTBALL TITLE WITH PERFECT SEASON

### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Mr. COBLE. Madam Speaker, on behalf of the citizens of the Sixth District of North Carolina, we wish to extend our congratulations to the North Davidson softball team for its perfect season culminated by winning the North Carolina High School Athletic Association's 4-A state softball championship. North Davidson finished as the runner-up 3 out of the last 4 years, but this year they were able to win it all. The championship game concluded the Black Knight's 32-game perfect season.

As a result of the tremendous athleticism of the players, the outstanding direction of coach Mike Lambros, and the unyielding support of the community, the Black Knights had all the components necessary to clinch the State title. Furthermore, this was a particularly special season for coach Lambros who celebrated his first championship after having coached the Black Knights for 30 years.

The Black Knight's star pitcher Hannah Alexander won most valuable player honors for her tremendous contribution to her team's success. She only allowed two runs during the entire playoffs. This championship game required tremendous amounts of teamwork and determination.

The championship team members included: Amelia Griffin, Allie Nicholson, Paige Wall, Kathy Choplin, Tess Swing, Nichole Tuttle, Jessica Plemmons, Shaundee Woosley, Lauren Grooms, Jordan Clodfelter, Lindy Yount, Hannah Alexander, Morgan Koontz, Tori Hedrick, Courtney Walker, Maggie McDowell, Mackenzie Hauser, Robyn Stanek, Missy Hunt, Eliza Davis, Kayla Harrell, Lauren Beaver, Katie Vick, Samantha Honeycutt, Lauren McNeerney. Assisting head coach Mike Lambros on his championship run were Lamar Powell, Billy Gerald, Thomas Vick, Ronnie Plemmons, Jason Martin, Keith Stanek, Ben Lookabill, Blythe Craver, Kendra Israel, Jerry Smith, Jason Israel, Jeff Pace, Charlie Nicholson, and Tim Martin.

Again, on behalf of the Sixth District of North Carolina, we would like to congratulate the North Davidson softball team, the faculty, staff, students and fans for an outstanding season.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

SPEECH OF

### HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 27, 2010*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, and for other purposes:

Mr. RYAN of Wisconsin. Madam Chair, Last week, the House of Representatives considered an amendment offered by Congressman

PATRICK MURPHY to H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011, to repeal the Armed Forces personnel policy of "don't ask, don't tell." Due to a death in the family, I was not present for the vote on the House floor. Had I been present, I would have voted against this amendment.

While I believe no American should be denied the ability to serve their country because of their sexual orientation, it is important to balance this commitment to serve with the practical implications of this dramatic policy change.

Defense Secretary Robert Gates and the Joint Chiefs of Staff repeatedly asked Congress to allow the Department of Defense the time to complete its comprehensive review of "don't ask, don't tell" before taking legislative action to change this policy. These requests were denied by the Majority, whose actions imply that Members of Congress are in a better position to determine personnel policies than military leaders themselves.

We have a responsibility to consider the views of those men and women in uniform, and a duty to allow the leaders of our Armed Forces to finish their review before taking premature legislative action. By refusing to take into consideration the ongoing review by the Department of Defense, the Majority risks undermining the relationship between our elected leaders and the men and women serving our Nation. I have serious concerns with the potential for this preemptive decision to negatively impact our military's ability to recruit, retain, and ready servicemembers now and in the future.

TRIBUTE TO LATE TOM LARDNER

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 10, 2010*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it is with great sorrow that I recognize the life and passing of Tom Lardner. I have known this accomplished person for a long time. He was a visionary who was not afraid to take risks. We have lost a great businessman, an exceptional husband and terrific father.

Tom Lardner, born in Port Huron, Michigan earned his bachelor's degree in business from Michigan State University. Mr. Lardner earned a master's degree in education from Michigan State. Before beginning his real estate career he was a coach at St. Gabriel High School football team in East Lansing, Michigan where he also served as a history teacher.

While running his real estate investment firm, Lehnndorff USA, in Chicago he spotted the potential of the area just north of the central business district in Dallas, Texas. Eager to map out his plans he moved to Dallas. He then saw his dream transforming into reality after years of hard work with the construction of a luxury apartment building, which would be the earliest of many.

Lardner purchased a large amount of the land surrounded by McKinney Avenue, Pearl Street, Woodall Rodgers Freeway and North Central Expressway for development. He also worked alongside city officials to establish a tax increment financing district that would pay for street improvements as well as other infrastructure improvements.